

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 4310 /2004

PETITIONER

P.R. No. 4218/04
Presented by Shri. Meenakshi
dated 01-11-04

Smt. Lakshmi Baghel widow of late
Gajendra Singh Baghel, aged about
45 years, A.N.M.
District Hospital, Raigarh (C.G.)
R/o. Raigarh, Distt. Raigarh (C.G.).

VERSUS

RESPONDENTS

:-

1. State of Chhattisgarh
Through:- Secretary
Health and Family Welfare
Department, D.K.S. Bhavan,
Raipur (C.G.).
2. Chief Medical & Health Officer,
Raigarh (C.G.).
3. Superintendent,
Civil Surgeon & Main Hospital
Raigarh, Distt. Raigarh (C.G.)

RECEIVED COPY
1-11-04
Clerk to A. G. Bilaspur

PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4310/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	01-02-2005 Shri J.K. Shastri, learned counsel for the petitioner. Shri Sandeep Dubey, learned Panel Lawyer for the State. Heard on admission. The contention of learned counsel for the petitioner is that though the petitioner has been relieved by order dated 23-10-2004 (Annexure-P/1) from her place of posting i.e. Raigarh to Lailunga but no order of transfer has been received by the petitioner. He further submits that in fact the petitioner was promoted vide order dated 18-7-2003 (Annexure-P/3) but she has denied to avail the promotion by filing an application dated 14-8-2003 (Annexure-P/4) because she is suffering from a disease in which the Red Blood Corpuscles (RBC) are not uniformly formed in the body. He also submits that in fact the petitioner wants to serve at Raigarh because Raigarh is a district place and having the facilities of district hospital. He also submits that if the petitioner is sent to Lailunga, it may adversely affect her health and in case of emergency she cannot get immediate medical help at Lailunga. It is settled principle of law that the transfer is an incidence of service and nobody can claim for retaining him/her at a particular place when he/she is working on a transferable post, however, the personal	

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P I Gowri	difficulties of an employee are to be seen and considered by the employer in appropriate cases. Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, the ends of justice would be served if a direction is given to the petitioner to file a detailed representation before the competent authority of the respondents alongwith a copy of this order and medical certificates relating to the disease of the petitioner within 10 days from the date of this order and on such representation being filed, the competent authority shall decide the same by a reasoned order in accordance with law as early as possible preferably within a period of one month from the date of filing of the representation. With the aforesaid observations, the petition stands finally disposed of. Consequently, M.W.P.No.4661/04, I.A.No.8713/04, 9546/04 & 6/05 also stand disposed of. Parties are entitled for certified copy of this order.	Sd/- Sunil Kumar Sinha Judge

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11.2.05